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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,410	09/29/2005	Terence M. Hedley	9265	5608

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Legal Department (M-495)
P.O. Box 1926
Spartanburg, SC 29304

EXAMINER	
JUSKA, CHERYL ANN	
ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,410	HEDLEY, TERENCE M.	
	Examiner	Art Unit	
	Cheryl Juska	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed September 28, 2007, has been entered. Claims 32 and 49 have been amended as requested. Claims 1-31 are cancelled. Thus, the pending claims are 32-53.

2. Applicant's arguments (Amendment, page 8, 2nd paragraph) with respect to the prior art rejection of the claims over Matsumoto (US 6,630,414) in view of Hedley (US 6,187,245) as set forth in section 2 of the last Office Action (Non-Final Rejection mailed 06/28/07) have been found persuasive. In particular, the Hedley reference fails to teach a rubber-backed floor mat having a textile face made of a spacer fabric. Note Hedley teaches a conventional pile face. As such, one would not necessarily look to the Hedley reference for guidance on how to construct a floor mat from a spacer fabric as disclosed by Matsumoto.

3. Despite this advance, the claim are not in condition for allowance in view of the following new rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 32-45 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,630,414 issued to Matsumoto in view of DE 29603229U assigned to Wunderlich and JP 08-224205 assigned to Asahi.

Matsumoto discloses a three-dimensional net having a first mesh web, a second mesh web and connecting yarns connecting said first and second mesh webs (i.e., spacer fabric) (abstract). The first mesh web has larger opening than those of the second mesh web (i.e., substantially closed structure relative to first mesh web openings) (abstract). The larger mesh openings preferably have a diameter of 5-100 mm, while the diameter of the smaller mesh openings have a diameter of 1-50 mm (col. 22, lines 31-38). Said spacer fabric is a warp-knit fabric made on a double Raschel machine (col. 12, lines 25-28) having a preferred gauge of 18-6, although yarns of 22-16 gauge may be used (col. 21, lines 39-44 and 52-57). The spacer fabric comprises yarns made of synthetic (e.g., polyester) mono- or multifilaments (col. 20, lines 1-10) for the mesh webs and preferably synthetic (e.g., polyester) monofilaments for the connecting yarns (col. 21, 10-27). The size of the yarns for the mesh webs is 50-2000 denier (about 55 – 2222 dtex), while the yarns of the connecting yarns are 100-1000 denier (about 111 – 1111 dtex) (col. 21, lines 36-50). The thickness of the spacer fabric is 2-100 mm (col. 22, lines 31-36). Said spacer fabric is suited for use in mats, including floor mats (col. 13, line 60, col. 16, line 31, col. 20, line 22, col. 21, line 41, col. 22, line 34, and col. 23, lines 1-8).

Thus, Matsumoto teaches the present invention with the exception of the construction of the floor mat (i.e., backing layer bonded to spacer fabric). As such, one must look to the prior art for suitable floor mat constructions. Said floor mats having a spacer fabric face and backing layers bonded thereto are well known in the art. For example, the cited Wunderlich reference

discloses a floor mat having a textile face comprised of a spacer fabric and a carrier layer or backing layer (abstract). The spacer fabric consists of a first upper face fabric 5 connected to a second lower fabric 6 by pile yarns 8 (translation, page 2, lines 23-31 and Figures 1 and 2). The lower fabric of the spacer fabric is embedded in the carrier or backing layer 1. Said backing layer is preferably made of polyvinyl chloride (PVC) (translation, page 7, lines 26-33). Similarly, the cited Asahi reference teaches a dust control floor mat comprising a knitted spacer fabric bonded to a rubberized backing of 1-3 mm thickness, such as nitrile butadiene rubber or the like (translation, abstract and paragraph 14).

Hence, it would have been readily obvious to one of ordinary skill in the art to embed the lower mesh web of the Matsumoto spacer fabric in a backing layer as explicitly taught by the cited Wunderlich reference in order to produce the floor mat disclosed by Matsumoto. Motivation to do so would be Matsumoto's lack of an explicit teaching for the construction of a floor mat and the Wunderlich and Asahi teachings of bonding one face of a spacer fabric to a polymeric backing in order to produce dust control floor mats. Additionally, it would have been readily obvious to one skilled in the art to bond the spacer fabric to the backing layer by vulcanization of nitrile butadiene rubber or other like rubber in order to produce a secure bond between layers. Therefore, claims 32-45 and 48-50 are rejected as being obvious over the cited prior art.

6. Claims 46, 47, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,630,414 issued to Matsumoto in view of the cited Wunderlich and Asahi references, as applied to claims 32 and 49 above, and in further view of US 2001/0044249 issued to Demott et al.

While Matsumoto, Wunderlich, and Asahi fail to teach printing the floor mat with a sublimatic printing process at an observable print resolution of at least 75 dpi, said printing of floor mats is well known in the art. For example, Demott teaches mats, including floor mats, having printed designs thereon for advertising, informational, or promotional purposes (sections [003], [0038], and [0070]). Said mats are printed via a transfer mat having dyes that sublimate under heat and pressure during vulcanization of a rubber backing (section [0074]). In one embodiment, the printed mat has a resolution of 360 dpi (section [0069]). Therefore, it would have been readily obvious to one of ordinary skill in the art to print the floor mats taught by Matsumoto, Wunderlich, and Asahi in order to provide an aesthetically pleasing design and/or provide advertising or promotional information. Thus, claims 46, 47, and 51-53 are also rejected.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Juska/
Primary Examiner
Art Unit 1794

cj
December 7, 2007